This listing of claims will replace all prior versions, and listings, of claims in the application:

<u>Listing of Claims</u>:

Claim 1 (Currently Amended): An image processing device for processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information of the image generating device at the time that the image data is generated, the image processing device comprising:

a judging section configured to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the judging section uses the subject position information in executing the backlight decision; and

an image quality adjuster that, when it is decided to execute the backlight adjustment processing, executes backlight adjustment processing to increase brightness value of at least some pixels in the image data,

<u>wherein the judging section analyzes the image data with a weight distribution that has different magnitudes at the subject position and other positions to calculate an average brightness value in a partial area including the subject position, and executes the backlight decision according to the average brightness value.</u>

Claims 2-10 (Canceled).

Claim 11 (Currently Amended): An image output device for outputting an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information of the image generating device at the time that the image data is generated, the image output device comprises:

a judging section configured to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the judging section uses the subject position information in executing the backlight decision;

an image quality adjuster that, when it is decided to execute the backlight adjustment processing, executes backlight adjustment processing to increase brightness value of at least some pixels in the image data; and

an output section for outputting an image according to the image quality-adjusted image data,

wherein the judging section analyzes the image data with a weight distribution that has different magnitudes at the subject position and other positions to calculate an average brightness value in a partial area including the subject position, and executes the backlight decision according to the average brightness value.

Claim 12 (Currently Amended): A method of processing an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information of the image generating device at the time that the image data is generated, the method comprising the steps of:

(a) executing a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information; and

(b) when it is decided to execute the backlight adjustment processing, executing backlight adjustment processing to increase brightness value of at least some pixels in the image data,

wherein the step (a) includes analyzing the image data with a weight distribution that has different magnitudes at the subject position and other positions to calculate an average brightness value in a partial area including the subject position, and executing the backlight decision according to the average brightness value.

Claims 13-21 (Canceled).

Claim 22 (Currently Amended): A method of outputting an image using image data generated by an image generating device, and image generation record information that is associated with the image data and that includes operation information of the image generating device at the time that the image data is generated, the method comprising the steps of:

(a) executing a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information;

(b) when it is decided to execute the backlight adjustment processing, executing backlight adjustment processing to increase brightness value of at least some pixels in the image data; and

(c) outputting an image according to the image quality-adjusted image data,

wherein the step (a) includes analyzing the image data with a weight distribution that has different magnitudes at the subject position and other positions to calculate an average brightness value in a partial area including the subject position, and executing the backlight decision according to the average brightness value.

Claim 23 (Currently Amended): A computer-readable storage medium encoded with a computer program, the computer program comprising:

a first program causing a computer to execute a backlight decision as to whether or not to execute backlight adjustment processing, based on both the image generation record information and the image data, wherein when the image generation record information includes subject position information indicating a position of a subject in the image, the backlight decision is made using the subject position information; and

a second program, when it is decided to execute the backlight adjustment processing, causing the computer to execute backlight adjustment processing to increase brightness value of at least some pixels in the image data,

wherein the first program causes the computer to analyze the image data with a weight distribution that has different magnitudes at the subject position and other positions to calculate an average brightness value in a partial area including the subject position, and execute the backlight decision according to the average brightness value.

Claim 24 (New): An image processing device for processing an image using image data, comprising:

a judging section that executes a decision as to whether or not to execute adjustment processing, based on image data representing a partial area including subject position; and

an adjuster that executes, in case it is decided to execute the adjustment processing, processing to increase a brightness value of at least some pixels in the image.

Claim 25 (New): An image processing method for processing an image using image data, comprising:

executing a decision as to whether or not to execute adjustment processing, based on image data representing a partial area including subject position; and

executing, in case it is decided to execute the adjustment processing, processing to increase a brightness value of at least some pixels in the image.

Claim 26 (New): A computer-readable storage medium encoded with a computer program, the computer program comprising:

a first program causing a computer to execute a decision as to whether or not to execute adjustment processing, based on image data representing a partial area including subject position; and

a second program, in case it is decided to execute the adjustment processing, causing the computer to execute processing to increase a brightness value of at least some pixels in the image.